

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

COLUMBUS TRANSIT LLC  
Employer

and

Case 2-RC-23351

TRANSPORT WORKERS UNION OF  
GREATER NEW YORK, LOCAL 100,  
AFL-CIO

Petitioner

and

LOCAL 713, INTERNATIONAL  
BROTHERHOOD OF TRADE UNIONS,  
IUJAT

Intervenor

ORDER

On May 28, 2009, the two sitting members of the Board issued an Order denying review in this proceeding. On June 17, 2010, the United States Supreme Court issued its decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635, holding that under Section 3(b) of the Act, in order to exercise the delegated authority of the Board, a delegee group of at least three members must be maintained. On July 26, 2010, the Employer filed a motion to vacate the Board's May 28, 2009 Order denying the Employer's requests for review of the Regional Director's Decision and Direction of Election and the Acting Regional Director's Supplemental Decision and Order Directing the Opening and the Counting of Ballots. The Board has carefully considered the Employer's February 26, 2009 Request for Review, its April 3, 2009 Request for Review, and its current motion to vacate, and finds them without merit. Accordingly, we deny the earlier Requests for Review and deny the instant motion on the grounds that the Employer's arguments can be resolved in the ongoing objections case.

WILMA B. LIEBMAN,

CHAIRMAN

CRAIG BECKER,

MEMBER

BRIAN E. HAYES,

MEMBER

Dated, Washington, D.C., September 15, 2010.